

## **Plaintiffs' Exhibit J**



10:52:30 1           **A.**     Correct. And the ABEC department was  
10:52:37 2 really the selling factor for me. It was a  
10:52:40 3 combination of --

10:52:41 4           **Q.**     Those three?

10:52:42 5           **A.**     -- those three.

10:52:45 6           **Q.**     Okay. Ms. Whelan, the -- the ABEC  
10:52:49 7 department, did you visit it during your campus  
10:52:54 8 visit prior to admission to Canisius --

10:52:56 9           **MS. NANAU:** Objection.

10:52:56 10          **BY MR. D'ANTONIO:**

10:52:56 11          **Q.**     -- or prior to attending Canisius?

10:52:58 12          **MS. NANAU:** Objection to form. You may  
10:53:00 13 answer.

10:53:00 14          **BY MR. D'ANTONIO:**

10:53:01 15          **Q.**     Do you want me to try it again?

10:53:02 16                I know you said you went to visit the  
10:53:03 17 college before you actually enrolled there, yes?

10:53:06 18          **A.**     Correct.

10:53:06 19          **Q.**     Okay. Did you speak with anybody at  
10:53:09 20 the ABEC department during that visit?

10:53:12 21          **A.**     No.

10:53:13 22          **Q.**     Okay. Was it only one visit or did you  
10:53:15 23 go more than once?

10:53:16 1           **A.**    I went more than once.

10:53:18 2           **Q.**    Okay.

10:53:20 3           **A.**    I went twice. I went to accepted  
10:53:23 4 students day after my initial visit.

10:53:25 5           **Q.**    Okay.

10:53:25 6           **A.**    On the initial visit, I had a tour  
10:53:28 7 guide who was an ABEC major.

10:53:30 8           **Q.**    Okay.

10:53:30 9           **A.**    So I talked to the tour guide a lot  
10:53:33 10 about the ABEC program and then we also had a sort  
10:53:36 11 of meet and greet with Dr. Stuart who was a member  
10:53:41 12 of the bio department and he also spoke to the --

10:53:44 13           **Q.**    Andrew Stuart?

10:53:46 14           **A.**    Handlebar mustache, yeah.

10:53:49 15           **Q.**    Andrew Stuart, right.

10:53:51 16           **A.**    And he spoke to the biology department  
10:53:52 17 and the ABEC department during his kind of speech  
10:53:55 18 he gave the students and the parents.

10:54:00 19           So no, I didn't speak with any staff  
10:54:02 20 directly, but I was still able to kind of get a  
10:54:05 21 good understanding of the program and what it had  
10:54:07 22 to offer.

10:54:08 23           **Q.**    You learned a little more when you

10:54:12 1 spoke with both the student and with

10:54:14 2 Professor Stuart?

10:54:15 3 **A.** Yes.

10:54:15 4 **MS. NANAU:** Objection to form.

10:54:17 5 **BY MR. D'ANTONIO:**

10:54:18 6 **Q.** Okay. Do you remember the name of the  
10:54:20 7 student who was your tour guide?

10:54:22 8 **A.** No.

10:54:22 9 **Q.** Okay. What specifically attracted you  
10:54:31 10 to the ABEC program, if you remember?

10:54:34 11 **A.** So I always had a passion for wildlife  
10:54:38 12 growing up. My initial aspiration was to go into  
10:54:44 13 wildlife veterinary science, but I quickly learned  
10:54:47 14 in my first few weeks at Canisius that my passion  
10:54:50 15 was for wildlife and not for medicine at all.

10:54:53 16 And so I was pulled towards the ABEC program  
10:54:59 17 because I found that it was a way for me to focus  
10:55:02 18 veterinary science through a wildlife lens and not  
10:55:06 19 necessarily at a school like Cornell where it would  
10:55:09 20 have been mostly focused on small animal clinics  
10:55:14 21 and agriculture and livestock.

10:55:17 22 Canisius had that at the time I viewed as  
10:55:20 23 like this cutting edge program that could give me a

10:55:24 1 good kind of foundation in wildlife medicine that  
10:55:30 2 other schools couldn't really offer.

10:55:33 3 **Q.** And I think you said that you were --  
10:55:35 4 you were attracted -- you learned quickly you were  
10:55:37 5 attracted to the wildlife side, but not to the  
10:55:40 6 medicine side?

10:55:42 7 **A.** Correct.

10:55:42 8 **Q.** Why not?

10:55:43 9 **A.** I think that once I started to struggle  
10:55:45 10 in courses like chemistry at Canisius, I very  
10:55:50 11 easily was able to just kind of let go of wanting  
10:55:54 12 to be a veterinarian.

10:55:58 13 However, I was not going to let go of my  
10:56:01 14 hopes and aspirations of working with wildlife and  
10:56:05 15 so then I just fully leaned into ABEC and very  
10:56:10 16 quickly understood that a career that fit me, my  
10:56:13 17 interests, and my skills would be pursuing a degree  
10:56:17 18 in animal behavior or wildlife ecology.

10:56:22 19 And going on to become a researcher in that  
10:56:25 20 field and then to be able to teach people and  
10:56:29 21 higher ed very quickly became my aspiration after  
10:56:36 22 that first initial probably like month of school at  
10:56:41 23 Canisius.

10:56:43 1 Q. And I know you also majored in  
10:56:49 2 environmental science?

10:56:50 3 A. Studies.

10:56:51 4 Q. Environmental studies.

5 A. Yes.

10:56:52 6 Q. I'm sorry, there's a difference?

10:56:53 7 A. Yes. Environmental science focuses  
10:56:58 8 more on hard science as where environmental studies  
10:57:00 9 is more social science.

10:57:01 10 Q. Okay. And what attracted you to  
10:57:02 11 environmental studies?

10:57:03 12 A. I have always kind of -- or I -- I  
10:57:07 13 started to really develop a strong understanding  
10:57:11 14 and passion for the complicated nature of  
10:57:14 15 conservation and how understanding human behavior  
10:57:21 16 helps us create policy and helps us create  
10:57:26 17 conservation plans that are actually successful in  
10:57:35 18 the world that we live in.

10:57:36 19 So I was just really interested in not only  
10:57:40 20 the ecology and the biology and the hard science,  
10:57:44 21 but also where it kind of meets with social  
10:57:46 22 sciences and human behavior and understanding.

10:57:57 23 Canisius's anthrozoology master's program

11:37:02 1 because he could ask you anything from the book on  
11:37:06 2 the test and expect you to know the answer.

11:37:09 3 It was really just about memorization and  
11:37:11 4 not about helping us grow as biologists or research  
11:37:15 5 scientists in any way, shape, or form. There was  
11:37:19 6 no lab involved like I was used to with most bio  
11:37:23 7 courses.

11:37:24 8 I believe there used to be a lab for  
11:37:26 9 Dr. Noonan's courses and it had been removed  
11:37:29 10 because of so many complaints about, for example,  
11:37:33 11 him forcing students to watch male rats rape female  
11:37:39 12 rats.

11:37:40 13 His strange fixations on animal behavior,  
11:37:45 14 from at least my understanding, kind of got him in  
11:37:48 15 trouble in his labs in the past. I don't know if  
11:37:51 16 that's why they were no longer required -- a  
11:37:56 17 requirement for the course, but I know that they  
11:37:59 18 used to have them.

11:38:02 19 Q. Okay. So these criticisms of the Sex,  
11:38:20 20 Evolution & Behavior course, did you communicate  
11:38:25 21 them to anybody at Canisius while you were taking  
11:38:29 22 the course?

11:38:30 23 A. I communicated amongst my friends about



11:38:34 1 it. There was this veil that we all had when it  
11:38:45 2 came to Dr. Noonan.

11:38:47 3 So during this time that I was in his  
11:38:51 4 classes, I worshiped the ground he walked on. I  
11:38:54 5 thought he was truly somebody in the field of  
11:38:59 6 animal behavior which he was not.

11:39:03 7 However, Canisius allowed us to believe  
11:39:06 8 this. They allowed us to believe that we were  
11:39:09 9 receiving a cutting edge education from Dr. Noonan  
11:39:11 10 and that this whole program was thanks to  
11:39:14 11 Dr. Noonan and that he was this mastermind who was  
11:39:16 12 going to lead us all to positions like  
11:39:21 13 Malini Suchak.

11:39:21 14 And so I really idolized him, I idolized  
11:39:26 15 her. Dr. Russell, these students who were former  
11:39:28 16 students of Dr. Noonan who were now in these  
11:39:30 17 positions I wanted to be in.

11:39:32 18 And so I looked at Dr. Noonan as someone who  
11:39:34 19 has been at this school for so many years and I  
11:39:40 20 excused all of these things that were red flags and  
11:39:43 21 would make me uncomfortable because I was told that  
11:39:49 22 if you do as Dr. Noonan says, if you don't rock the  
11:39:53 23 boat, he will get you to places like Dr. Suchak, he

11:39:59 1 will lead you directly to success.

11:40:01 2           And he will take you on these incredible  
11:40:04 3 trips around the world to study the animals you  
11:40:06 4 wish to study as long as you remain in his favor.

11:40:10 5           And so sophomore year and on, so much of my  
11:40:18 6 focus as a student was remaining in Dr. Noonan's  
11:40:21 7 favor. Being a star student for Dr. Noonan,  
11:40:25 8 gaining Dr. Noonan's attention and appreciation as  
11:40:27 9 a student so that I could get where I wanted to be  
11:40:32 10 which was in a position like Dr. Suchak.

11:40:35 11           And so no, I never complained because I  
11:40:38 12 thought surely if there was any danger here -- this  
11:40:42 13 man has taught here for so long. Surely if there  
11:40:46 14 was any danger here, the school would already know  
11:40:49 15 about it and the school would have done something  
11:40:52 16 about it.

11:40:53 17           And so -- not to mention we were all being  
11:40:56 18 groomed to trust him. So no, I never reported  
11:41:02 19 anything at the time. Inevitably I did, however.

11:41:07 20           **Q.** The impression that you were given that  
11:41:26 21 Dr. Noonan was I think you used the term a  
11:41:29 22 mastermind, who specifically gave you that  
11:41:36 23 impression and what specifically did those people

11:58:23 1 But now I can just see as the greater  
11:58:28 2 pattern of him grooming us and getting us to trust  
11:58:32 3 him and fully commit to our -- our liking and  
11:58:37 4 relationship with him so that then he could then  
11:58:40 5 get us close enough to sexually exploit us as  
11:58:44 6 students.

11:58:44 7 **Q.** Okay. So let me just spend a minute or  
11:58:50 8 two on -- on that and we'll explore that later on.  
11:58:52 9 But did Dr. Noonan ever proposition you? By that,  
11:59:00 10 I mean did he ever ask you to engage in any sexual  
11:59:04 11 act?

11:59:04 12 **A.** He asked me if he could insert an enema  
11:59:08 13 into my butt over and over again repeatedly which I  
11:59:14 14 can only assume is a sexual fetish of his.

11:59:17 15 **Q.** So I know that's your assumption.

11:59:19 16 **A.** An abnormal behavior.

11:59:20 17 **Q.** Did he ever ask you to have  
11:59:22 18 intercourse?

11:59:23 19 **A.** Define intercourse.

11:59:27 20 **Q.** I think it's a pretty well-defined  
11:59:31 21 term.

11:59:31 22 **MS. NANAU:** Objection to form.

11:59:32 23 **BY MR. D'ANTONIO:**

11:59:32 1           **Q.**     Did he actually ask you, for example,  
11:59:35 2 to allow him to put his penis into your vagina?

11:59:39 3           **A.**     No, he did not.

11:59:40 4           **Q.**     Did he ever ask you to put any part of  
11:59:43 5 his body into any part of your body?

11:59:45 6           **A.**     His finger into my butt.

11:59:47 7           **Q.**     Okay. He asked for permission to do  
11:59:49 8 that?

11:59:49 9           **A.**     He asked me for permission to insert a  
11:59:53 10 suppository into my butt and then described to me  
11:59:57 11 exactly how he would do it and what he would need  
11:59:59 12 to do in order to be successful in inserting a  
12:00:03 13 suppository into my butt.

12:00:04 14           Which included I would need to push into  
12:00:07 15 your butt past the tight part and then you would  
12:00:10 16 relax. That would allow the suppository to melt  
12:00:13 17 and I'd hold my finger up there so it wouldn't  
12:00:17 18 spill out into your cheeks.

12:00:19 19           **Q.**     Did he explain to you a concern that  
12:00:28 20 would have caused you to need the suppository?

12:00:31 21           **MS. NANAU:** Objection to form. You may  
12:00:32 22 answer.

12:00:33 23           **BY MR. D'ANTONIO:**

12:00:35 1           **Q.**     Okay.  You were constipated on the  
12:00:36 2 trip?

12:00:36 3           **A.**     Did he -- was he concerned for me --

12:00:38 4           **Q.**     I'm asking -- I'll ask it a different  
12:00:41 5 way.  You were constipated on the trip; is that  
12:00:44 6 right?

12:00:44 7           **A.**     Correct.  In which I never --

12:00:45 8           **Q.**     Let me -- let me just -- I know --  
12:00:48 9 look, I know you -- you want to talk and that's  
12:00:50 10 fine, but certain times I just need answers to the  
12:00:53 11 questions and then we'll follow up.  Okay?

12:00:56 12                 Did you understand that he had a concern  
12:01:04 13 about your constipation?

12:01:06 14           **MS. NANAU:**  Objection to form.  You may  
12:01:08 15 answer.

12:01:08 16           **THE WITNESS:**  I understood very clearly that  
12:01:16 17 he wanted me to believe that he was concerned about  
12:01:18 18 my constipation.

12:01:19 19           **BY MR. D'ANTONIO:**

12:01:20 20           **Q.**     Okay.  All right.  That's fine.  Let me  
12:01:22 21 just ask then the words he used, did he tell you he  
12:01:31 22 was concerned about your constipation?

12:01:34 23           **MS. NANAU:**  Objection to form.  You may

12:01:35 1 answer. Asked and answered.

12:01:37 2 **THE WITNESS:** The first time he expressed  
12:01:38 3 his supposed concern for my constipation was when  
12:01:42 4 he pulled me aside in a hotel in New Dehli that we  
12:01:47 5 had just arrived at.

12:01:49 6 I had been talking to a friend in the van we  
12:01:52 7 were in on the way to the hotel about how I was so  
12:01:58 8 relieved she remembered to bring laxatives because  
12:02:01 9 I forgot and I normally have issues when I travel  
12:02:05 10 especially to different time zones.

12:02:08 11 **BY MR. D'ANTONIO:**

12:02:08 12 **Q.** Okay.

12:02:08 13 **A.** I was not asking for him to be  
12:02:11 14 concerned for me nor was I even aware that he  
12:02:14 15 overheard our conversation.

12:02:15 16 **Q.** I didn't ask you that question.

12:02:16 17 **A.** Mm-hmm.

12:02:17 18 **Q.** What I asked you was whether he  
12:02:20 19 expressed concern to you about constipation.

12:02:25 20 **A.** I would say --

12:02:26 21 **MS. NANAU:** Objection. Asked and answered.  
12:02:29 22 You may answer.

12:02:30 23 **THE WITNESS:** I would say he was more so

12:02:32 1 obsessed with the idea that I was constipated, less  
12:02:35 2 so concerned with my constipation.

12:02:38 3 **BY MR. D'ANTONIO:**

12:02:38 4 **Q.** And I know that's your assumption, but  
12:02:40 5 I'm asking did he tell you he was concerned because  
12:02:45 6 people who are constipated can have medical  
12:02:49 7 problems, did he tell you that?

12:02:51 8 **MS. NANAU:** Objection to form. You may  
12:02:52 9 answer.

12:02:52 10 **THE WITNESS:** Oh, yes. He -- he --

12:02:55 11 **BY MR. D'ANTONIO:**

12:02:55 12 **Q.** Okay.

12:02:55 13 **A.** -- made us feel like we were --

12:02:58 14 **Q.** I didn't ask that.

12:02:59 15 **A.** -- imperil.

12:02:59 16 **Q.** I just asked whether he told you that  
17 and --

12:03:02 18 **A.** That we might possibly --

12:03:02 19 **MS. NANAU:** Okay. I'm going to object to  
12:03:07 20 the colloquy because Ms. Whelan is trying to answer  
12:03:11 21 your question which words did he use to express  
12:03:15 22 concern about her state.

12:03:16 23 **MR. D'ANTONIO:** Can we have just have the

12:07:01 1 spring. So like the weather was nicer, it was  
12:07:04 2 towards the end of the semester, it was on a  
12:07:07 3 weekend.

12:07:09 4 **Q.** Spring 2018?

12:07:10 5 **A.** Yes.

12:07:11 6 **Q.** Okay. So you would have been a  
12:07:12 7 sophomore?

12:07:13 8 **A.** Yes.

12:07:13 9 **Q.** Okay. Any other trips?

12:07:17 10 **A.** That is the only one I can recall.

12:07:25 11 **Q.** I'm only asking for your best  
12:07:26 12 recollection.

12:07:27 13 **A.** That wasn't -- there were other trips  
12:07:29 14 related to coursework other than the wolf callers.

12:07:33 15 **Q.** And tell me about those, where were  
12:07:35 16 those trips?

12:07:36 17 **A.** One of them was to go see an artist in  
12:07:41 18 Canada and that was after we had planned to report  
12:07:45 19 Dr. Noonan to Title IX so that was a very  
12:07:49 20 uncomfortable trip.

12:07:50 21 That was him monopolizing our time once  
12:07:53 22 again. It was a man who painted wildlife. It  
12:07:57 23 really had nothing to do with our project and the



12:07:59 1 focus of it whatsoever and he was very angry at us  
12:08:04 2 when we told him that.

12:08:07 3 He doesn't -- he never likes when you  
12:08:09 4 question his authority and we were basically like  
12:08:13 5 what are we doing here and he didn't have a good  
12:08:16 6 reason and truly I believe he just wanted to  
12:08:18 7 monopolize our time because he knew something was  
12:08:21 8 going on.

12:08:21 9 He knew he was losing our favor and so he  
12:08:24 10 was really desperate to spend as much time with us  
12:08:26 11 as he possibly could.

12:08:28 12 Q. So when was this trip to visit the  
12:08:31 13 artist in Canada?

12:08:32 14 A. My recollection, it was sometime after  
12:08:35 15 we all decided to report him to -- it could have  
12:08:41 16 been after we actually reported him to Title IX or  
12:08:44 17 after we all decided to report him to Title IX.

12:08:48 18 Because in my memory, we were all very  
12:08:50 19 uncomfortable and fearful of what he knew at that  
12:08:56 20 point, but I don't have an exact recollection of  
12:09:00 21 when it was other than in that general time period.

12:09:03 22 Q. So this trip, was this part of the  
12:09:11 23 course or a course?

12:09:14 1 A. It was technically part of Project  
12:09:17 2 Tiger.

12:09:19 3 Q. And this artist in Canada, do you  
12:09:21 4 remember the name of the person --

12:09:22 5 A. No.

12:09:22 6 Q. -- do you remember where it was?

12:09:23 7 A. It was Niagara-on-the-Lake. I don't  
12:09:25 8 remember his name. He wasn't even affiliated with  
12:09:29 9 tiger related artwork, it was just wildlife in  
12:09:33 10 general. It was really random.

12:09:38 11 Q. And did all of the students in the  
12:09:40 12 class -- or did all the students who were on the  
12:09:44 13 Project Wolf trip then go to this -- on this trip  
12:09:47 14 to Canada?

12:09:48 15 A. My memory is most of us being there. I  
12:09:51 16 can't remember if there was anyone missing, but I  
12:09:56 17 do know [REDACTED] was there, Cici Wood,  
12:10:00 18 [REDACTED] Lily Engebrecht, Sierra -- I don't  
12:10:05 19 know her last name -- and then maybe [REDACTED]  
12:10:11 20 I'm not totally positive, but it was all Project  
12:10:15 21 Tiger girls.

12:10:15 22 Q. And were you told that that trip was  
12:10:18 23 mandatory?

12:10:18 1           **A.**     Yes.

12:10:18 2           **Q.**     Okay.   By Professor Noonan?

12:10:20 3           **A.**     Yes.   And he took us there in the  
12:10:22 4 evening.   I remember it being very dark on the  
12:10:24 5 drive back.   It was most certainly during the  
12:10:31 6 school week.   We probably all had really important  
12:10:33 7 things to be doing at that time like other  
12:10:36 8 coursework.

12:10:44 9           And I remember him in the car expressing to  
12:10:45 10 us that we were trying to overthrow him and none of  
12:10:49 11 us knew what that meant and he had told us multiple  
12:10:51 12 times in India, you are all ganging up on me,  
12:10:54 13 you're trying to overthrow me.

12:10:56 14           And we weren't totally positive where this  
12:10:59 15 fear of being overthrown was coming from or -- I  
12:11:06 16 mean, I can place it as classic manipulation, but I  
12:11:11 17 remember him thinking we were going to overthrow  
12:11:13 18 him.

12:11:13 19           Because we -- we were just questioning his  
12:11:15 20 ideas, like why -- why were we being asked to spend  
12:11:18 21 our school time interviewing an artist who has  
12:11:21 22 nothing to do with tiger conservation.

12:11:23 23           **Q.**     Okay.   So this -- this comment about

13:20:32 1 modest when you were in India?

13:20:34 2 **A.** Yes.

13:20:35 3 **Q.** Okay. And -- and you -- I know you  
13:20:38 4 said that you thought that it was because he was  
13:20:40 5 trying to be controlling, he didn't say that,  
13:20:43 6 correct, that was your surmise?

13:20:44 7 **A.** He said I own your bodies.

13:20:47 8 **Q.** Okay.

13:20:47 9 **A.** So you cannot dye your hair or wear  
13:20:49 10 things that I tell you you can't and he  
13:20:52 11 specifically told us in India that he owned our  
13:20:55 12 bodies while we were on these projects.

13:20:57 13 **Q.** Okay.

13:20:57 14 **A.** Because we technically were his  
13:21:00 15 property because we were in his films so he did  
13:21:04 16 actually specifically say that.

13:21:06 17 **Q.** Okay.

13:21:06 18 **A.** And that's also why he would touch us  
13:21:09 19 and fix our bra straps and comment on like whether  
13:21:14 20 or not we had too much like cleavage.

13:21:19 21 Like he'd basically say like we don't look  
13:21:21 22 flat-chested enough or we look too flat-chested and  
13:21:25 23 recommend -- like ask us if we needed to like wear

13:21:28 1 different undergarments. Like he'd just make  
13:21:32 2 strange comments about like the size of our  
13:21:33 3 breasts.

13:21:33 4 In no way was he saying like you need to  
13:21:36 5 make them look bigger, but he would comment like  
13:21:38 6 you look awfully flat-chested, things of that  
13:21:40 7 nature to my friends. So he would make those  
13:21:44 8 strange comments about --

13:21:46 9 Q. I'm sorry, go ahead.

13:21:47 10 A. -- about just our general -- it was  
13:21:50 11 very bra and chest focused, his concerns about  
13:21:54 12 modesty. It wasn't -- that's all -- that's just my  
13:21:58 13 recollection of it.

13:22:01 14 Q. Okay. In terms of -- of the -- of  
13:22:05 15 the -- I think you said he touched your bra straps,  
13:22:08 16 how would he do that?

13:22:09 17 A. He'd come up and point to it and then  
13:22:13 18 he'd kind of like look at you like put that away.

13:22:16 19 Q. Okay. All right. And then you would  
13:22:18 20 tuck it in?

13:22:18 21 A. Correct.

13:22:19 22 Q. All right. And when you say pointed,  
13:22:21 23 it looked to me you had your finger by your

13:49:31 1 reflection, I have a different --

13:49:32 2 **A.** Yeah.

13:49:32 3 **Q.** -- somewhat different understanding.

13:49:35 4 **A.** Right.

13:49:36 5 **Q.** Okay. So how long would the -- would  
13:49:39 6 the meetings last where you would reconvene after  
13:49:41 7 you had gotten yourselves ready to go to sleep?

13:49:44 8 **A.** An hour max.

13:49:45 9 **Q.** Okay. And was -- was there food or  
13:49:49 10 anything like that or was it just conversation?

13:49:51 11 **A.** It was just conversation.

13:49:52 12 **Q.** Okay. And did you ever express to  
13:49:56 13 Dr. Noonan any objection to those meetings where  
13:50:01 14 you would reconvene at the end of the -- end of the  
13:50:04 15 day?

13:50:04 16 **A.** No. It seemed like this was a pretty  
13:50:07 17 normal occurrence on his trips so I naturally  
13:50:11 18 didn't see anything necessarily wrong with it at  
13:50:15 19 the time. Like I felt like, oh, this is just --  
13:50:17 20 again, this is just how Dr. Noonan does things,  
13:50:19 21 this is how it goes.

13:50:21 22 **Q.** Right. Did any of your colleagues on  
13:50:25 23 the trip to Colorado express a concern, an

13:50:31 1 objection to those meetings at the end of the  
13:50:34 2 day --

13:50:36 3 **MS. NANAU:** Objection to form.

13:50:36 4 **BY MR. D'ANTONIO:**

13:50:36 5 **Q.** -- that you heard or learned of?

13:50:38 6 **A.** I remember specifically Megan Miller  
13:50:41 7 and Jasil being like uncomfortable coming back in  
13:50:45 8 their pajamas and not knowing like do we have to  
13:50:49 9 change in our pajamas.

13:50:50 10 Like I don't know if they ultimately decided  
13:50:54 11 not to or any details, but I do remember there  
13:50:56 12 being a like general discomfort around like feeling  
13:50:58 13 this pressure, like, okay, now everyone has to go  
13:51:01 14 put their pajamas on.

13:51:03 15 It was just kind of like, okay -- like yeah,  
13:51:04 16 there was definitely expressed to me some people  
13:51:07 17 didn't want to put their pajamas on. I think  
13:51:09 18 ultimately everyone did though.

13:51:11 19 **Q.** I was going to ask, was that reluctance  
13:51:16 20 on the part of Megan and Jasil --

13:51:19 21 **A.** Mm-hmm.

13:51:20 22 **Q.** -- was that expressed to Dr. Noonan or  
13:51:23 23 was that expressed to you -- to you?

13:51:24 1           **A.**     To me.

13:51:25 2           **Q.**     Okay.

13:51:25 3           **A.**     Yeah, to the students. It was amongst  
13:51:27 4 the students.

13:51:28 5           **Q.**     Okay. And -- and in terms of -- of --  
13:51:35 6 the same questions I asked you before, prior to  
13:51:37 7 January of 2019, do you know if that reconvening at  
13:51:41 8 the end of the day ritual, was reported to anyone  
13:51:44 9 at Canisius faulty or staff?

13:51:46 10          **MS. NANAU:** Objection to form. You can  
13:51:47 11 answer.

13:51:47 12          **THE WITNESS:** Not to my knowledge.

13:51:49 13          **BY MR. D'ANTONIO:**

13:51:51 14          **Q.**     Okay. Did there come a time when the  
13:52:11 15 video from your Project Wolf trip was -- was  
13:52:15 16 created, was assembled?

13:52:17 17          **A.**     Yes.

13:52:17 18          **MS. NANAU:** Objection to form.

13:52:19 19          **MR. D'ANTONIO:** Okay.

13:52:22 20          **MS. NANAU:** You can answer.

13:52:23 21          **BY MR. D'ANTONIO:**

13:52:23 22          **Q.**     And when did that occur, if you  
13:52:25 23 remember?



14:26:12 1 direct.

14:26:12 2 Or, for example, I wanted to go into a  
14:26:18 3 graduate program or a Ph.D and something that  
14:26:22 4 focused on anthrozoology and so eventually I wanted  
14:26:28 5 to then end up as a professor.

14:26:30 6 But my aspirations at the time were really  
14:26:32 7 to just get into a graduate program or a Ph.D  
14:26:40 8 program and then I was open to the possibilities  
14:26:43 9 that that would open up to me.

14:26:45 10 Q. Okay.

14:26:45 11 A. But most interested in becoming to some  
14:26:49 12 capacity an environmental educator, whether that  
14:26:52 13 was in the field of research or in a college  
14:26:55 14 setting.

14:26:56 15 Q. Either -- either way, that would  
14:26:59 16 require additional education beyond the bachelor's  
14:27:02 17 degree, right?

14:27:03 18 A. Correct.

14:27:03 19 Q. Okay. And I think I know the answer to  
14:27:08 20 this question, but I want to make sure. You've  
14:27:11 21 never applied for either admission to a master's  
14:27:18 22 program or a Ph.D program that would have led to  
14:27:21 23 that career path, right?

14:27:23 1           **A.**     Correct.

14:27:23 2           **Q.**     Okay.   And tell me why.

14:27:27 3           **A.**     So essentially I was very driven.  I  
14:27:36 4 think you can tell from my responses to the Project  
14:27:39 5 Tiger application, I was very passionate about this  
14:27:42 6 field of study and I really put all my eggs in one  
14:27:48 7 basket which was Dr. Noonan.

14:27:50 8                 He was my mentor, he was my -- he was the  
14:27:55 9 one who provided me access to field work, he was  
14:28:00 10 going to be my recommendation.  And once I lost my  
14:28:06 11 relationship with him and recognized how horrible  
14:28:10 12 and manipulative that relationship was, it was just  
14:28:15 13 very disheartening, disorienting.

14:28:20 14                 I no longer was finding myself to have  
14:28:22 15 passion for what I once had and I tried to cling to  
14:28:26 16 it.  I by no means wanted to let my dream go, but  
14:28:34 17 it wasn't bringing me the same happiness and  
14:28:37 18 passion it once was.

14:28:39 19                 And so I ended up leaving school with no  
14:28:43 20 plan to apply to a graduate program because I no  
14:28:47 21 longer had any idea what I wanted to do  
14:28:50 22 professionally.

14:28:52 23                 I needed to pivot, I knew that.  I didn't

14:28:56 1 know exactly what direction I was going to go in.

14:28:59 2 I was hoping that I could find my passion again in

14:29:05 3 which I never have found it.

14:29:09 4 **Q.** Did you ever discuss your potential

14:29:14 5 career path in the period after your relationship

14:29:19 6 with Dr. Noonan ended? With say Dr. Suchak or --

14:29:26 7 we'll start with that.

14:29:27 8 **A.** No. I didn't have a close relationship

14:29:29 9 with any of the other ABEC faculty and after my

14:29:33 10 relationship with Dr. Noonan ended, it was very

14:29:36 11 hostile in the ABEC department.

14:29:39 12 I didn't feel comfortable going to any of

14:29:42 13 the ABEC professors. I didn't even go to

14:29:44 14 Dr. Russell who was my academic advisor.

14:29:48 15 We were very much met with the attitude of

14:29:54 16 why did you guys report him, this is an

14:29:56 17 inconvenience for us and now we have so much more

14:30:00 18 work to do.

14:30:00 19 So I completely pivoted to my environmental

14:30:05 20 studies department and I became a research student

14:30:07 21 for Dr. Erin Robinson in environmental studies and

14:30:10 22 I was going to see the rest of my -- I was going to

14:30:14 23 see -- you know, I was going to get the ABEC

14:30:17 1 degree, but that was only because I only had my  
14:30:20 2 senior year left.

14:30:21 3 As far as my interests went, I completely  
14:30:23 4 pivoted and wanted to see if there was something I  
14:30:26 5 could maybe get published in in research for  
14:30:31 6 environmental studies.

14:30:34 7 Nothing came to fruition there especially  
14:30:38 8 because COVID hit and so it really just disrupted  
14:30:41 9 any research processes we had laid out. But, yeah,  
14:30:44 10 so I did not reach out to Dr. Suchak.

14:30:48 11 Q. Okay. In terms of your -- of your  
14:30:54 12 perception that there was hostility in the ABEC  
14:30:58 13 department, did anyone ever say to you that they  
14:31:07 14 were upset with you for having reported Dr. Noonan?

14:31:10 15 A. Not in those words, no.

14:31:14 16 Q. Did they ever say anything to you in  
14:31:20 17 other words that caused you to believe that they  
14:31:24 18 felt that your reporting was an inconvenience?

14:31:31 19 A. Yes.

14:31:31 20 Q. What were the words or were the -- what  
14:31:32 21 was the context of that communication?

14:31:34 22 MS. NANAU: Objection to form. You can  
14:31:35 23 answer.

14:31:35 1           **THE WITNESS:** When we would meet with  
14:31:39 2 Dr. Margulis, she made it very clear that she  
14:31:41 3 didn't have a lot of time, it was difficult to set  
14:31:43 4 up meetings with her.

14:31:44 5           And she was having to now -- and she wanted  
14:31:48 6 us to be understanding of that because she had so  
14:31:54 7 much other stuff going on and now it was her  
14:31:57 8 responsibility to have to pick up the  
14:32:01 9 responsibilities of Dr. Noonan.

14:32:04 10           And then she also made reference to other  
14:32:07 11 professors, not directly, but saying that other  
14:32:10 12 professors in the department were also going to  
14:32:11 13 have to teach his course and whatnot and her  
14:32:17 14 attitude was very inconvenienced is how I would  
14:32:24 15 describe it.

14:32:26 16           **BY MR. D'ANTONIO:**

14:32:26 17           **Q.** That's your perception?

14:32:28 18           **A.** You could call it that.

14:32:30 19           **Q.** Okay.

14:32:30 20           **A.** That was my reality, but --

14:32:33 21           **Q.** Okay. When you say it's your reality,  
14:32:36 22 I guess what I'm trying to understand is, did in  
14:32:41 23 fact the other professors -- strike that.

14:37:28 1 **BY MR. D'ANTONIO:**

14:37:29 2 **Q.** Yes. Yeah.

14:37:30 3 **A.** You mean like when we reported to Title  
14:37:33 4 IX?

14:37:33 5 **Q.** Yeah.

14:37:34 6 **A.** No.

14:37:34 7 **Q.** Okay. So -- well, let's do it this  
14:37:41 8 way. When you were on the trip, did you reach out  
14:37:47 9 to anyone at Canisius?

14:37:50 10 **A.** No, I was very fearful of doing that.  
14:37:54 11 I was alone with him, there were no other  
14:37:56 12 chaperones. So we did actually come together as a  
14:37:59 13 group and consider that option.

14:38:00 14 We had a computer where we had access to the  
14:38:03 15 internet to communicate with Canisius, but we all  
14:38:05 16 agreed that it was too risky. We didn't know how  
14:38:10 17 Canisius would handle that.

14:38:11 18 We didn't know if -- again, we just -- we  
14:38:13 19 didn't know how things would unfold, there was a  
14:38:16 20 lot of uncertainty. So we considered it.

14:38:19 21 We honestly wanted to, but we felt like it  
14:38:23 22 was in our best -- it was our best to protect each  
14:38:28 23 other at that point and then decide what to do once

14:38:32 1 we got home.

14:38:33 2 Q. And how many students were on the trip?

14:38:34 3 A. Eight.

14:38:35 4 Q. Okay.

14:38:35 5 A. All women.

14:38:36 6 Q. Was that a group decision that was  
14:38:38 7 made? In other words, did all eight of you --

8 A. Yes.

14:38:40 9 Q. -- agree? Okay. Did you reach out to  
14:38:48 10 your parents?

14:38:48 11 A. No.

14:38:48 12 Q. Okay. Do you know if any of the others  
14:38:50 13 did, reach out to their parents?

14:38:52 14 A. I'm not aware.

14:38:53 15 Q. Okay. Did you discuss as a group  
14:38:59 16 whether to contact your parents?

14:39:00 17 A. We discussed that we supported each  
14:39:05 18 other in any, way, shape or form that anything  
14:39:08 19 needed to be communicated. So -- but no we never  
14:39:10 20 said --

14:39:12 21 Q. Okay. Try my question.

14:39:13 22 A. No, we did not -- sorry, can you repeat  
14:39:16 23 the question?

14:42:15 1 and discussed that.

14:42:16 2 Q. Where did that happen?

14:42:18 3 A. That happened at 15 Hughes.

14:42:21 4 Q. At your house?

14:42:22 5 A. It wasn't my house at the time, it was  
14:42:24 6 Lily Engebrecht's house. I was living up the road  
14:42:26 7 on Hughes at the other address.

14:42:28 8 Q. I see. Okay. And -- and did all of  
14:42:30 9 you get together?

14:42:31 10 A. To my recollection, everyone from  
14:42:36 11 Project Tiger was there. I can't remember anyone  
14:42:39 12 who was missing.

14:42:40 13 Q. And -- and when did this happen?

14:42:44 14 A. This happened -- the day I can't  
14:42:48 15 remember, but I remember that school had been --  
14:42:51 16 all classes had been canceled for the rest of the  
14:42:54 17 day.

14:42:54 18 So we had been planning to meet -- it was  
14:42:56 19 sometime in the first week of February I want to  
14:42:59 20 say around that time period. All classes had been  
14:43:03 21 canceled.

14:43:04 22 We'd been planning to meet like either later  
14:43:06 23 that evening and then once classes were canceled,



14:43:09 1 we were all like, hey, if we're all free, let's  
14:43:13 2 meet at Lily's house.

14:43:14 3 And so everyone was free and so yeah, that's  
14:43:16 4 when we really sat down and had a discussion  
14:43:19 5 because I think there was this period of time when  
14:43:20 6 we came back from India where we were all kind of  
14:43:25 7 still in shock.

14:43:26 8 Like, okay, now we're home, let's process  
14:43:29 9 this, what happened, how do we feel about it, and  
14:43:33 10 then we all wanted to get together because we all  
14:43:36 11 had different things at stake.

14:43:38 12 People had research at stake, we had -- we  
14:43:41 13 all had our relationship with Dr. Noonan and what  
14:43:44 14 value that was going to bring to us at stake, and  
14:43:48 15 people like myself had previously dealt with Title  
14:43:51 16 IX and I wasn't necessarily excited about having to  
14:43:55 17 go through that process again.

14:43:56 18 So we all had different things to discuss  
14:43:59 19 and so we wanted to be really respectful of each  
14:44:02 20 other through the process. We didn't want to make  
14:44:05 21 anyone feel forced to come forward if they were not  
14:44:07 22 comfortable. And yeah, so not -- I think everyone  
14:44:12 23 did end up coming forward to Title IX.

14:58:45 1 **MS. NANAU:** Objection to form.

14:58:46 2 **BY MR. D'ANTONIO:**

14:58:46 3 **Q.** If you know.


14:58:47 4 **A.** I believe we were asked by  
14:58:54 5 Ms. Walleshauser to prepare statements.

14:58:58 6 **Q.** Before -- before your meeting with her  
14:59:01 7 on the -- on the 11th?

14:59:04 8 **A.** This could have been -- okay. So I  
14:59:07 9 believe what this is was I was asked to kind of  
14:59:12 10 speak on behalf of us at the meeting we had with  
14:59:16 11 Ms. Walleshauser.

14:59:17 12 **Q.** Okay. All right.

14:59:17 13 **A.** And so I was thinking maybe this was  
14:59:20 14 what she had asked of me after the initial meeting,  
14:59:23 15 but I think now that I am recalling, this was kind  
14:59:28 16 of the introduction.

14:59:29 17 So I was going to basically read this to  
14:59:32 18 her. We all as a group decided that the instance  
14:59:35 19 that occurred with me and  in the room  
14:59:40 20 was something we wanted to lead with because we  
14:59:43 21 really wanted the school to take us seriously and  
14:59:46 22 we felt like this instance was certainly the most  
14:59:51 23 dangerous instance as students we were in with him

14:59:55 1 on that trip.

14:59:57 2 So yes, so my intention with this was to  
15:00:00 3 really grab Ms. Walleshauser's attention and really  
15:00:08 4 try to right off the bat get the school to listen  
15:00:10 5 to our concerns and understand like the severity of  
15:00:15 6 them.

15:00:15 7 But that is why I point out a couple of  
15:00:18 8 times -- I think I say the list of complaints we  
15:00:21 9 have is quite literally enormous and then I think I  
15:00:25 10 say at the very end, this is one of many concerning  
15:00:28 11 incidents that occurred on the trip to kind of open  
15:00:29 12 up the conversation to the fact that this wasn't  
15:00:31 13 the only behavior we wanted to report.

15:00:33 14 Q. Okay. But this was in your mind  
15:00:37 15 anyway, the most serious of the behaviors?

15:00:38 16 A. Yes.

15:00:42 17 Q. Okay. So the -- the sixth bullet down,  
15:00:58 18 which is the largest paragraph on page 1, I'm going  
15:01:02 19 to read a couple of things from it and then ask you  
15:01:04 20 some questions.

15:01:07 21 On the ride to Toronto airport before  
15:01:16 22 leaving for India, I was talking with, and there's  
15:01:19 23 a redaction there, and it was -- would that have

15:01:22 1 been Emily Began?

15:01:24 2 **A.** I think it's Cici.

15:01:25 3 **Q.** Cici Wood?

15:01:27 4 **A.** But she would have been included so  
15:01:30 5 maybe Abby Robinson.

15:01:31 6 **Q.** But anyway, you were talking with  
15:01:33 7 another student about how when you travel --

15:01:34 8 **A.** Yeah.

15:01:35 9 **Q.** -- I get constipated very easily.

15:01:38 10 **A.** Correct.

15:01:38 11 **Q.** Did I read that correctly?

15:01:39 12 **A.** Yep.

15:01:39 13 **Q.** Okay. Do you remember which student  
15:01:42 14 you were talking with on that?

15:01:43 15 **A.** I believe it was Abby Robinson.

15:01:45 16 **Q.** Okay. And then a few -- a few lines  
15:01:53 17 down, when we arrived at our hotel in New Dehli,  
15:01:55 18 he, meaning Dr. Noonan, asked me to stay behind in  
15:01:59 19 the lobby after everyone left to go to bed.

15:02:01 20 He spoke with me saying, quote, I overheard  
15:02:07 21 you say you have trouble pooping when you travel,  
15:02:12 22 close quote. Did I read that correctly?

15:02:14 23 **A.** Yes.

15:02:15 1 Q. Okay. It looks like yours said that  
15:02:23 2 you were fine and not to worry and he responded,  
15:02:27 3 quote, no, this can be very serious sometimes.

15:02:30 4 I've had problems like this on my trips  
15:02:32 5 before and it's important that you keep me in the  
15:02:36 6 loop. Make sure you tell me whenever you, dot,  
15:02:41 7 dot, dot, you know, close quote.

15:02:42 8 I read that correctly?

15:02:44 9 A. Correct.

15:02:44 10 Q. And Dr. Noonan was asking you to tell  
15:02:47 11 him if you defecated?

15:02:50 12 A. Yes.

15:02:53 13 Q. Okay. And then you said a red flag  
15:02:58 14 went off immediately for me because Cici, and  
15:03:02 15 that's C-I-C-I, is that Cassidy Wood, Cici?

15:03:07 16 A. Yes.

15:03:07 17 Q. Okay. Had informed me that on a trip  
15:03:10 18 to Uganda last spring, Dr. Noonan invited -- or  
15:03:13 19 Dr. Noonan invited her roommate who was having  
15:03:17 20 issues with constipation, to come into his room  
15:03:20 21 privately and he then proceeded to offer to insert  
15:03:23 22 a suppository into her butt, close quote.

15:03:29 23 I read that correctly?

15:03:33 1           **A.**     Yes.

15:03:33 2           **Q.**     Did Ms. Wood tell you who that student  
15:03:36 3 was?

15:03:37 4           **A.**     Yes.

15:03:37 5           **Q.**     Who was it?

15:03:38 6           **A.**     [REDACTED] was her name. I'm not sure what  
15:03:41 7 her last name was.

15:03:42 8           **Q.**     Do you know whether [REDACTED] made a report  
15:03:45 9 to anyone at Canisius about that exchange?

15:03:48 10          **A.**     No, she did not. We reached out to  
15:03:51 11 her, she didn't want to report anything to the  
15:03:53 12 school.

15:03:54 13          **Q.**     Did Ms. Wood report anything to  
15:03:59 14 Canisius about Kelly's interaction with Dr. Noonan  
15:04:02 15 prior to February of 2019?

15:04:04 16          **A.**     Not to my knowledge. I don't think she  
15:04:07 17 would have felt comfortable without Kelly's  
15:04:09 18 consent.

15:04:15 19          **Q.**     Okay. The next morning after our talk  
15:04:16 20 in the lobby, Dr. Noonan insisted I put some of his  
15:04:20 21 ground flaxseed into my juice at breakfast.

15:04:23 22          **A.**     Correct.

15:04:24 23          **Q.**     He did that?

15:38:19 1 it looks like February 15th, 2019, was a Friday,  
15:38:23 2 correct?

15:38:23 3 **A.** Correct.

15:38:24 4 **Q.** And Ms. Walleshauser indicated that  
15:38:28 5 Dr. Noonan would be back in town -- would not be  
15:38:32 6 back in town until next -- quote, next Thursday,  
15:38:35 7 close quote, and that would be, if I did the math  
15:38:38 8 right, February 21st?

15:38:39 9 **A.** Yeah.

15:38:39 10 **Q.** Okay. Did there come a time when you  
15:38:48 11 heard further about Dr. Noonan?

15:38:53 12 **MS. NANAU:** Objection to form.

15:38:54 13 **BY MR. D'ANTONIO:**

15:38:55 14 **Q.** Okay. Did you get any communications  
15:38:56 15 about Dr. Noonan on or around February 21st, 2019?

15:39:02 16 **A.** I'm not sure --

15:39:07 17 **Q.** Okay.

15:39:08 18 **A.** -- if -- yeah.

15:39:09 19 **Q.** Ms. Whelan, let me ask a different  
15:39:13 20 question. Between the time that you went to  
15:39:19 21 Ms. Walleshauser on February 11th and the end of  
15:39:26 22 February 2019, did you see Professor Noonan?

15:39:31 23 **A.** I may have gone on a trip with him.

15:39:34 1 Again, I cannot remember if that was before or  
15:39:36 2 after reporting to Canada to see the artist.

15:39:41 3 Q. Okay.

15:39:42 4 A. If I did see him, that would have been  
15:39:44 5 the only time.

15:39:44 6 Q. Okay. Do you believe that that trip to  
15:39:49 7 Canada was sometime after you reported him to the  
15:39:53 8 Title IX office?

15:39:54 9 A. I wouldn't be surprised if it wasn't  
15:39:57 10 and I wouldn't be surprised if it was. I really  
15:40:00 11 don't know.

15:40:01 12 Q. Okay. You just don't know?

15:40:02 13 A. Yeah, I really cannot remember.

15:40:05 14 MR. D'ANTONIO: Okay. This is AR.

15 The following was marked for Identification:

16 EXH. AR E-mail dated 2/21/19.

15:40:22 17 BY MR. D'ANTONIO:

15:40:24 18 Q. Handing you what's been marked Exhibit  
15:40:26 19 AR for identification. Have you seen that document  
15:40:32 20 before?

15:40:32 21 A. Yes.

15:40:33 22 Q. Okay. That's an e-mail from  
15:40:36 23 Professor Hogan?



15:46:20 1 responses.

15:46:21 2           **Q.**     Let me ask you this question. I know  
15:46:24 3 you said the concern -- one of the concerns that  
15:46:27 4 you had was essentially Noonan's whereabouts?

15:46:31 5           **A.**     Mm-hmm.

15:46:31 6           **Q.**     Okay. We've just seen an e-mail where  
15:46:35 7 you were told that he was out of town until the  
15:46:37 8 21st, right?

15:46:38 9           **A.**     Correct.

15:46:39 10          **Q.**     Okay. And it sounds like you also were  
15:46:44 11 away on February 21st and you weren't going to be  
15:46:51 12 returning until the 25th, right?

15:46:58 13           If you look at your e-mail on February 21st  
15:47:00 14 which is a Thursday, I'm out of town right now, but  
15:47:03 15 will be back Monday.

15:47:05 16          **A.**     Right.

15:47:05 17          **Q.**     Okay. So you were off campus as well?

15:47:08 18          **A.**     Right. My concerns were preceding  
15:47:12 19 February 21st.

15:47:12 20          **Q.**     Okay.

15:47:13 21          **A.**     Yeah, of his whereabouts. Not after  
15:47:15 22 the fact. After I received that e-mail that he had  
15:47:19 23 been put on a leave of absence, that's when my

15:47:23 1 concerns about him being around subsided.

15:47:26 2           It was the moment between February 11th when  
15:47:30 3 we reported him up until that moment where they  
15:47:32 4 asked him to take a leave of absence that we were  
15:47:35 5 most concerned.

15:47:36 6           **Q.**   Well, you knew from an e-mail exchange  
15:47:38 7 on February 15th that he was out of town, right,  
15:47:42 8 and he wouldn't be back until the 21st?

15:47:45 9           **A.**   We were told that, but there was still  
15:47:49 10 a lot of strange information coming to us from  
15:47:53 11 other students on campus who were saying he was  
15:47:55 12 going on trips still or they didn't know if he was  
15:47:58 13 or is he in his office.

15:48:00 14           **Q.**   So those were all -- those were all  
15:48:05 15 reports from students?

15:48:07 16           **A.**   Yes.

15:48:08 17           **Q.**   Okay. And would you characterize those  
15:48:10 18 as rumors?

15:48:12 19           **MS. NANAU:** Objection to form. You may  
15:48:13 20 answer.

15:48:15 21           **BY MR. D'ANTONIO:**

15:48:15 22           **Q.**   Well, none of them turned out to be  
15:48:17 23 factually accurate, right, he was in fact away?

15:48:20 1           **A.**     But they're --

15:48:20 2           **MS. NANAU:**   Objection to form.

15:48:21 3           **THE WITNESS:**   But whether they're rumors or  
15:48:23 4 not, they're a representation of the concern that  
15:48:27 5 not only the Project Tiger kids had, but also  
15:48:28 6 the -- the general ABEC students had about whether  
15:48:31 7 or not they were going on a trip with Dr. Noonan  
15:48:32 8 because we were not being communicated with.

15:48:34 9           We were told, oh, he's on a trip, don't  
15:48:36 10 worry. Well, what if he wants to come back early  
15:48:39 11 from that trip, what are his rights right now?  
15:48:42 12 Like can he come into his office, can be he there,  
15:48:45 13 will we be around him?

15:49:02 14           And yes so really can he come back to campus  
15:49:06 15 right now, is it just a matter of convenience that  
15:49:09 16 he's on a vacation or is that something that the  
15:49:13 17 school is requiring, is he not allowed back?

15:49:17 18           Are we just supposed to be okay with, oh,  
15:49:20 19 Dr. Noonan's on a vacation so you guys have nothing  
15:49:22 20 to worry about? There was no clear communication  
15:49:26 21 and then when we expressed concern -- like for  
15:49:29 22 instance, these were all things that I wanted to  
15:49:31 23 talk about Linda -- I wanted to talk to Linda

15:49:34 1 about.

15:49:34 2           And if you saw in the last e-mails in the --  
15:49:36 3 in the previous document that we had, I said to her  
15:49:40 4 can we set up a meeting and she just dismissed that  
15:49:43 5 and said I think it would be best if we met after  
15:49:46 6 February 21st.

15:49:47 7           So in our efforts to reach out and get more  
15:49:51 8 information and to kind of be put at ease because  
15:49:55 9 these e-mails were not doing that for us, we were  
15:49:58 10 kind of refused those opportunities.

15:50:01 11           **BY MR. D'ANTONIO:**

15:50:01 12           **Q.**    When you say you were refused those  
15:50:03 13 opportunities, did you ever send a communication to  
15:50:06 14 Ms. Walleshauser in words or substance between  
15:50:10 15 February 11th and February 21st asking, for  
15:50:14 16 example, that she clarify Professor Noonan's status  
15:50:17 17 or that she tell you whether he was coming back  
15:50:24 18 early, planning to come back early, could come back  
15:50:27 19 early?

15:50:28 20           **A.**    I was --

15:50:28 21           **Q.**    Did you ever ask that?

15:50:29 22           **A.**    I was aware of other girls in Project  
15:50:32 23 Tiger who had.

15:56:22 1           **A.**     Yeah.

15:56:22 2           **Q.**     Okay.   And did you have an  
15:56:26 3 understanding as of March 5th, the date of this  
15:56:30 4 e-mail, that they had been stepping into -- to play  
15:56:35 5 some role in the absence of Dr. Noonan?

15:56:41 6           **MS. NANAU:**   Objection to form.   You may  
15:56:42 7 answer.

15:56:42 8           **THE WITNESS:**   I don't recall Dr. Russell's  
15:56:46 9 involvement.

15:56:47 10          **BY MR. D'ANTONIO:**

15:56:48 11          **Q.**     Okay.

15:56:48 12          **A.**     I only recall Dr. Margulis being  
15:56:51 13 involved.

15:56:51 14          **Q.**     Okay.   Did Dr. Russell, if you know,  
15:56:57 15 wind up assisting the group with the podcast?

15:57:00 16          **A.**     Not to my recollection.

15:57:03 17          **Q.**     Okay.   Did Dr. Russell provide some  
15:57:09 18 academic advisement for people who previously had  
15:57:13 19 been advised by Dr. Noonan, if you know?

15:57:16 20          **A.**     I'm not -- I'm not aware if we had.

15:57:18 21          **Q.**     Okay.   Did Dr. Russell provide some  
15:57:20 22 opportunities for working in his lab for students  
15:57:27 23 who previously had worked with Dr. Noonan in his

15:57:29 1 lab, if you know?

15:57:30 2 **A.** Not to my knowledge.

15:57:31 3 **Q.** Okay. Do you know whether Dr. Russell  
15:57:33 4 maintained a lab?

15:57:34 5 **A.** I'm not sure.

15:57:37 6 **Q.** Okay. I think -- and you -- I think  
15:57:40 7 you told me, but tell me -- this may just be my  
15:57:42 8 misrecollection. You didn't have much interaction  
15:57:47 9 with Dr. Russell?

15:57:48 10 **A.** No. The only interaction I had with  
15:57:56 11 him was he was my -- I'm blanking on what the term  
15:57:59 12 is -- he was my advisor.

15:58:00 13 **Q.** Okay.

15:58:00 14 **A.** So I would really just go in for  
15:58:02 15 meeting with him and we'd decide what courses I was  
15:58:04 16 going to take, but that was like the extent of our  
15:58:07 17 relationship. We didn't really have one other  
15:58:12 18 than --

15:58:12 19 **Q.** And I take it as a -- by the time you  
15:58:14 20 get to your junior year, you probably have somewhat  
15:58:17 21 less need for an academic advisor?

15:58:19 22 **A.** Yeah. I think the last time I met with  
15:58:21 23 him was my sophomore year. So --

16:06:33 1 Q. And that was?

16:06:34 2 A. Sierra.

16:06:35 3 Q. Okay. And I think you told me that  
16:06:38 4 that's because Sierra was the only one who had the  
16:06:41 5 skill set?

16:06:42 6 A. So she was a dual major.

16:06:44 7 Q. Okay. I understand.

16:06:45 8 A. Yeah.

16:06:45 9 Q. So I think you said none of the rest of  
16:06:48 10 you --

16:06:48 11 A. Right.

16:06:49 12 Q. -- had the skill set to be able to  
16:06:52 13 create the video, the documentary?

16:06:55 14 A. Right. To actually create a  
16:06:59 15 documentary. We -- yes. We didn't have access to  
16:07:01 16 the equipment.

16:07:02 17 Q. Okay. I understand. At some point  
16:07:05 18 Sierra had both access to the equipment and access  
16:07:08 19 to the footage, right?

16:07:09 20 A. Correct.

16:07:09 21 MS. NANAU: Objection to form.

16:07:10 22 BY MR. D'ANTONIO:

16:07:10 23 Q. Okay. And if the group wanted to

16:07:14 1 create a documentary, you could have worked with  
16:07:17 2 Sierra to create the documentary, right?

16:07:19 3 **MS. NANAU:** Objection. Misstates the  
16:07:21 4 record.

16:07:22 5 **BY MR. D'ANTONIO:**


16:07:23 6 **Q.** Could you have worked with Sierra to  
16:07:24 7 create a documentary using the footage and the  
16:07:26 8 equipment?

16:07:26 9 **A.** So we no longer were going to be  
16:07:29 10 receiving credit and she would not be being paid.  
16:07:31 11 So we couldn't all just -- we then had to go  
16:07:35 12 forward with our academics in other ways.

16:07:37 13 Like we didn't have the time or the  
16:07:39 14 compensation. That ship had sailed and Canisius  
16:07:43 15 had failed us in that way.

16:07:44 16 **Q.** Okay.

16:07:45 17 **A.** So it wasn't just like going to fix  
16:07:48 18 everything that we got access to the video footage  
16:07:50 19 in the summer long after we ever needed it in the  
16:07:53 20 first place.

16:07:53 21 And also  was one of the  
16:07:56 22 students who worked with Sierra and would have  
16:07:58 23 produced the video and so now she was gone and so



16:08:01 1 that would have left Sierra to create the entire  
16:08:03 2 video herself and at this point, she didn't have  
16:08:08 3 the time or the money to do so.

16:08:10 4 **Q.** Okay. Let's -- let's unpack that a  
16:08:14 5 bit. Sierra I think you testified did actually  
16:08:19 6 access both the equipment and the footage, right?

16:08:22 7 **A.** To my knowledge, yes.


16:08:23 8 **Q.** Okay. Did any of you reach out to  
16:08:29 9 Sierra and ask to participate in creation of a  
16:08:35 10 documentary or some product? That's a yes or no.

16:08:40 11 **MS. NANAU:** Objection to form.

16:08:42 12 **BY MR. D'ANTONIO:**

16:08:42 13 **Q.** Did you or did you not?

16:08:44 14 **A.** Not to my recollection.

16:08:47 15 **Q.** Okay. Did you ever ask Canisius  
16:08:52 16 whether it would be willing to supply you with  
16:08:58 17 someone who could help Sierra and fill the shoes  
16:09:04 18 that  apparently had -- had vacated?

16:09:09 19 **MS. NANAU:** Objection to form.

16:09:09 20 **THE WITNESS:** The course was over.

16:09:10 21 **BY MR. D'ANTONIO:**

16:09:10 22 **Q.** That's not the question. A different  
16:09:12 23 question. My question is, did you ask Canisius?

16:22:23 1 Q. Ignatian Study Day.

16:22:23 2 A. Yes, that's exactly what it is. Yes.

3 Q. Okay.

16:22:26 4 A. Thank you.

16:22:27 5 Q. Okay. I've heard of it too.

16:22:29 6 A. Yes.

16:22:34 7 Q. Thank you. Did there come a time,

16:22:38 8 Ms. Whelan, when you sought out counseling from the

16:22:44 9 college's counseling center?

16:22:45 10 A. Yes.

16:22:46 11 Q. Okay. And when did that happen, if you

16:22:50 12 remember?

16:22:50 13 A. That was in the winter into spring so

16:22:57 14 it was the spring semester of 2019. Exactly when

16:23:04 15 like what month, I'm not sure. I want to say like

16:23:07 16 March maybe.

16:23:08 17 Q. Okay.

16:23:09 18 A. Yeah. It was still cold out and there

16:23:11 19 was snow on the ground I remember.

16:23:13 20 Q. And how did you learn about the

16:23:16 21 counseling services available at the counseling

16:23:19 22 center?

16:23:21 23 A. So I had kind of stopped -- I started

16:23:25 1 to develop an issue with disordered eating. I  
16:23:29 2 started to become extremely depressed. I was not  
16:23:32 3 someone who previously had dealt with depression  
16:23:35 4 prior to that year.

16:23:38 5 I was having what now I realize is suicidal  
16:23:42 6 ideation and so I was reaching out to my mom and I  
16:23:48 7 was explaining to her what I was experiencing, how  
16:23:53 8 I believed that the -- the loss of this professor  
16:23:59 9 was also the loss of this passion I had that was  
16:24:07 10 really fueling me as a student at Canisius.

16:24:09 11 And I just felt very hopeless and very lost  
16:24:12 12 and she told me I had to see a doctor so I went to  
16:24:15 13 the Canisius -- the nurse's office there and the  
16:24:20 14 doctor --

16:24:20 15 Q. I think it's called health services.

16:24:21 16 A. The health center or services.

17 Q. Yep.

16:24:24 18 A. And the doctor had me fill out a mental  
16:24:26 19 health questionnaire and she was very concerned.  
16:24:29 20 She told me that she would like me to get blood  
16:24:31 21 work done and then she would also like me if I was  
16:24:34 22 willing to set up a meeting with Canisius  
16:24:36 23 counseling center. So that's how I was initially

16:24:39 1 referred to the counseling center.

16:24:41 2 Q. Okay. And did you identify when you --  
16:24:41 3 strike that.

16:24:47 4 You went to the counseling center at some  
16:24:50 5 point?

16:24:51 6 A. Yes.

16:24:51 7 Q. Okay. And you were assigned a  
16:24:53 8 counselor?

16:24:53 9 A. Yes.

16:24:53 10 Q. And do you remember the name of that  
16:24:55 11 person?

16:24:56 12 A. I want to say Alice, but I could  
16:25:03 13 totally be wrong.

16:25:04 14 Q. Okay.

16:25:04 15 A. Yeah. She was a blonde -- blonde lady.  
16:25:08 16 That's kind of my memory of her.

16:25:10 17 Q. Maybe -- maybe Alison?

16:25:11 18 A. Yeah, Alison.

16:25:12 19 Q. Okay.

16:25:12 20 A. Yeah.

16:25:13 21 Q. And did you subsequently meet with  
16:25:15 22 another counselor named Eileen?

16:25:17 23 A. I did meet with Eileen once, yes.

16:25:20 1           **Q.**     Okay.  When you met with them, did you  
16:25:27 2 describe other issues that were of concern to you  
16:25:31 3 besides the loss of your passion for the study?

16:25:37 4           **A.**     It was my first time in therapy ever  
16:25:39 5 and so I definitely -- you know, they ask you  
16:25:43 6 questions about your entire life.

16:25:44 7           So I definitely talked about, you know, what  
16:25:49 8 had occurred to me freshman year.  I was also on  
16:25:54 9 the outs of a relationship I had had when I was  
16:25:56 10 studying abroad so that was something I was  
16:25:59 11 struggling with at the time as well.

16:26:04 12           But the thing I remember struggling with the  
16:26:06 13 most was Dr. Noonan and I remember not being very  
16:26:08 14 communicative or very hesitant about can I tell the  
16:26:14 15 Canisius counselors about my issues with Canisius  
16:26:20 16 College.

16:26:20 17           And so I don't remember being very  
16:26:22 18 forthright.  I remember very lightly mentioning  
16:26:24 19 Dr. Noonan to my counselor and gauging her reaction  
16:26:27 20 and then one session I remember really talking to  
16:26:30 21 her about the whole experience.

16:26:32 22           But I also remember being very concerned and  
16:26:38 23 worried about what my rights were in that

16:26:43 1 circumstance. Like I -- I guess I was afraid that  
16:26:46 2 the information could be used against me.

16:26:56 3 **MR. D'ANTONIO:** Okay. AV.

16:27:17 4 **MS. NANAU:** So I believe these have not been  
16:27:20 5 previously produced, right?

16:27:21 6 **MR. D'ANTONIO:** I believe they have been.  
16:27:24 7 My understanding is that -- is that these were sent  
16:27:27 8 along to you when we got them in from the health  
16:27:31 9 center. So --

16:27:32 10 **MS. NANAU:** Okay. Is there a Bates stamp?

16:27:34 11 **MR. D'ANTONIO:** Because you sent us -- yeah,  
16:27:36 12 there is at the top right, HR. Do you see the HR  
16:27:39 13 numbers?

16:27:39 14 **MS. NANAU:** Okay. I didn't know that this  
16:27:40 15 was a Bates stamp.

16:27:42 16 **MR. D'ANTONIO:** I believe it is.

16:27:43 17 **MS. NANAU:** Okay. I -- I have never seen  
16:27:46 18 these records before. I went through the entire  
16:27:49 19 Canisius production within the last few days so  
16:27:54 20 maybe we can confer later about productions with an  
16:27:58 21 HR Bates stamp.

16:27:59 22 **MR. D'ANTONIO:** Sure.

16:28:05 23 **MS. NANAU:** Are you going to then ask

16:28:07 1 Ms. Whelan specific questions about these records?

16:28:09 2 **MR. D'ANTONIO:** I am.

16:28:09 3 **MS. NANAU:** Okay. So then, Hannah, you  
16:28:11 4 should review the records.

16:28:13 5 **MR. D'ANTONIO:** Oh, of course. Do you want  
16:28:14 6 a few minutes to --

16:28:15 7 **THE WITNESS:** Yeah, that would be great.  
16:28:17 8 Thank you.

16:28:18 9 **MR. D'ANTONIO:** Okay. Sure.

10 **The following was marked for Identification:**

11 **EXH. AV** **Canisius College Counseling**  
12 **Center Client Notes for**  
13 **Hannah Whelan.**

16:34:01 14 **BY MR. D'ANTONIO:**

16:34:06 15 **Q.** Have you had a chance to look through  
16:34:07 16 that?

16:34:07 17 **A.** Yes.

16:34:08 18 **Q.** Okay. So I'm going to go to the last  
16:34:14 19 page which you'll see the little numbers at the top  
16:34:18 20 is HR68. It's actually HR67 onto 68.

16:34:25 21 That appears to be your notes of your first  
16:34:28 22 visit to the Canisius counseling center. Do you  
16:34:31 23 agree with that?